

**BEFORE THE WASHINGTON STATE LIQUOR CONTROL BOARD**

IN THE MATTER OF:

PW VENTURE INC  
d/b/a CLUB LAVA AND LAVA  
NIGHTCLUB & INFERNO  
RESTAURANT  
930 SE PIONEER WAY  
OAK HARBOR, WA 98277-4058

LICENSEE AND RESPONDENT  
LICENSE NO. 351800-3D

LCB NO. 23,733  
OAH NO. 2010-LCB-0077

FINAL ORDER OF THE BOARD

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The above entitled matter coming on regularly before the Board, and it appearing that:

1. The Liquor Control Board issued a Statement of Intent to Revoke Liquor License dated September 9, 2010 asserting that the licensee/stockholder failed to disclose Terry J. Suzuki's direct or indirect interest in the business, to include ownership, operation, management, control, profiting or liability and status as a true party in interest.
2. The Licensee submitted a timely request for a hearing.
3. The Office of Administrative Hearings scheduled a prehearing conference for January 27, 2011 at 9:00 a.m. with Administrative Law Judge Steven C. Smith.
4. The Appellant did not appear for the prehearing conference nor request a continuance. No representative appeared for the Licensee.
5. Assistant Attorney General Gordon Karg represented the Education and Enforcement Division of the Board.

6. Administrative Law Judge Steven C. Smith entered his Initial Order of Default on January 27, 2011 ordering that the Respondent was in default and dismissing the appeal.

7. No request to vacate the default was received.

8. No petition for review was received.

9. The entire record in this proceeding was presented to the Board for final decision, and the Board having fully considered said record and being fully advised in the premises; NOW THEREFORE; IT IS HEREBY ORDERED that the default order for case 23,733 is adopted.

IT IS HEREBY FURTHER ORDERED that the liquor license for PW Venture Inc d/b/a Club Lava and Lava Nightclub & Inferno Restaurant located at 930 SE Pioneer Way in Oak Harbor, Washington is REVOKED.

DATED at Olympia, Washington this 15<sup>th</sup> day of March, 2011.

WASHINGTON STATE LIQUOR CONTROL BOARD

  
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Reconsideration. Pursuant to RCW 34.05.470, you have ten (10) days from the mailing of this Order to file a petition for reconsideration stating the specific grounds on which relief is requested. A petition for reconsideration, together with any argument in support thereof, should be filed by mailing or delivering it directly to the Washington State Liquor Control Board, Attn: Kevin McCarroll, 3000 Pacific Avenue Southeast, PO Box 43076, Olympia, WA 98504-3076, with a copy to all other parties of record and their representatives. Filing means actual receipt of the document at the Board's office.

RCW 34.05.010(6). A copy shall also be sent to Mary M. Tennyson, Senior Assistant Attorney General, 1125 Washington St. SE, P.O. Box 40110, Olympia, WA 98504-0110. A timely petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written notice specifying the date by which it will act on the petition. An order denying reconsideration is not subject to judicial review. RCW 34.05.470(5). The filing of a petition for reconsideration is not a prerequisite for filing a petition for judicial review.

Stay of Effectiveness. The filing of a petition for reconsideration does not stay the effectiveness of this Order. The Board has determined not to consider a petition to stay the effectiveness of this Order. Any such request should be made in connection with a petition for judicial review under chapter 34.05 RCW and RCW 34.05.550.

Judicial Review. Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the appropriate court and served on the Board, the Office of the Attorney General, and all parties within thirty days after service of the final order, as provided in RCW 34.05.542.

Service. This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).



**Washington State  
Liquor Control Board**

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March 17, 2011

Kirk C. Davis, Attorney for Licensee  
1001 Fourth Ave, Ste 2388  
Seattle, WA 98154-1119

PW Venture Inc, Licensee  
d/b/a Club Lava and Lava Nightclub  
& Inferno Restaurant  
5306 154<sup>th</sup> Ave SE  
Bellevue, WA 98006-5152

Gordon Karg, AAG  
GCE Division, Office of Attorney General  
1125 Washington Street SE  
PO Box 40100  
Olympia, WA 98504-0100

**RE: FINAL ORDER OF THE BOARD**  
**LICENSEE: PW Venture Inc**  
**TRADE NAME: Club Lava and Lava Nightclub & Inferno Restaurant**  
**LOCATION: 930 SE Pioneer Way, Oak Harbor, WA 98277-4058**  
**LICENSE NO. 351800-3D**  
**LCB HEARING NO. 23,733**  
**OAH DOCKET NO. 2010-LCB-0077**  
**UBI: 602 689 345 001 0001**

Dear Parties:

Enclosed please find a Declaration of Service by Mail and a copy of the Final Order in the above referenced matter.

If you have any questions, please contact me at (360) 664-1602.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin McCarroll".

Kevin McCarroll  
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Beth Lehman, Licensing Supervisor, WSLCB  
Mt. Vernon Enforcement and Education Division, WSLCB

PO Box 43076, 3000 Pacific Ave. SE, Olympia WA 98504-3076, (360) 664-1602 [www.liq.wa.gov](http://www.liq.wa.gov)

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3 **WASHINGTON STATE LIQUOR CONTROL BOARD**

4 IN THE MATTER OF:

5 PW VENTURE INC  
6 d/b/a CLUB LAVA AND LAVA  
7 NIGHTCLUB & INFERNO  
8 RESTAURANT  
9 930 SE PIONEER WAY  
10 OAK HARBOR, WA 98277-4058

11 LICENSEE

12 LICENSE NO. 351800-3D

LCB NO. 23,733  
OAH DOCKET NO. 2010-LCB-0077

DECLARATION OF SERVICE BY  
MAIL

13 I certify that I caused a copy of the *FINAL ORDER OF THE BOARD* in the above-  
14 referenced matter to be served on all parties or their counsel of record by US Mail Postage  
15 Prepaid via Consolidated Mail Service for Licensees; by Campus Mail for the Office of  
16 Attorney General, on the date below to:

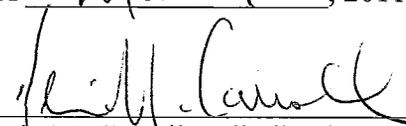
17 KIRK C. DAVIS, ATTORNEY FOR LICENSEE  
18 1001 FOURTH AVE, STE 2388  
19 SEATTLE, WA 98154-1119

GORDON KARG, ASSISTANT ATTORNEY  
GENERAL, GCE DIVISION  
OFFICE OF THE ATTORNEY GENERAL  
MAIL STOP 40100

20 PW VENTURE INC, LICENSEE  
21 d/b/a CLUB LAVA AND LAVA NIGHTCLUB  
& INFERNO RESTAURANT  
22 5306 154<sup>TH</sup> AVE SE  
BELLEVUE, WA 98006-5152

PW VENTURE INC  
d/b/a CLUB LAVA AND LAVA NIGHTCLUB  
& INFERNO RESTAURANT  
930 SE PIONEER WAY  
OAK HARBOR, WA 98277-4058

23 DATED this 17<sup>th</sup> day of March, 2011, at Olympia, Washington.

24  
25   
26 Kevin McCarroll, Adjudicative Proceedings Coordinator

DECLARATION OF SERVICE BY  
MAIL

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Washington State Liquor Control Board  
3000 Pacific Avenue SE  
PO Box 43076  
Olympia, WA 98504-3076  
(360) 664-1602

**RECEIVED**

FEB 11 2011

STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE WASHINGTON STATE LIQUOR CONTROL BOARD

**LIQUOR CONTROL BOARD  
BOARD ADMINISTRATION**

In the Matter of:

PW Venture Inc., dba Club Lava and  
Lava Nightclub & Inferno Restaurant,

Licensee and Respondent.

License No. 351800

OAH DOCKET NO. 2010-LCB-0077

LCB No. 23,733

**INITIAL ORDER OF DEFAULT  
(Failure to Appear at Proceeding)**

**1. ORDER SUMMARY**

- 1.1 The Licensee and Respondent, PW Venture Inc., dba Club Lava and Lava Nightclub & Inferno Restaurant, (herein "Licensee") was given due notice, but failed to appear for prehearing proceeding (PHC) without first obtaining an order of postponement. Therefore, the Licensee was held in default under RCW 34.05.440. Based on the Licensee's default, the penalty appropriate to the allegations stated in the Statement of Intent to Revoke Liquor License in this matter shall be imposed, subject to further Liquor Control Board action.
- 1.2 Specifically, the penalty shall be: Revocation of Liquor License.
- 1.3 The Licensee's Request for Hearing shall be dismissed.

**2. HEARING**

- 2.1 Administrative Law Judge: Steven C. Smith
- 2.2 Date and Time of Prehearing Proceeding (PHC): January 27, 2011 at 9:00 AM.
- 2.3 Appearances By Parties:
  - 2.3.1 The Licensee, PW Venture Inc., dba Club Lava and Lava Nightclub & Inferno Restaurant, did not appear.
  - 2.3.2 No representative appeared for the Licensee.

2.3.3 Washington State Liquor Control Board appeared through  
Assist. Attorney General Gordon Karg.

### 3. STATEMENT OF THE CASE

3.1 The Office of Administrative Hearings and the undersigned Administrative Law Judge have jurisdiction over this matter under the provisions of Chapter 34.12 RCW, Chapter 66.24 RCW and Title 314 WAC.

3.2 A prehearing proceeding was scheduled for this matter at the date and time above stated. Written notice of the proceeding was timely mailed to the parties by First Class United States Mail, postage prepaid. The notice informed the parties that they were required to attend the proceeding before an Administrative Law Judge of the Washington Office of Administrative Hearings and how to attend. The notice also informed the parties that failure to attend the scheduled proceeding could result in an order of default against the party who failed to attend. The notice provided both parties with instructions on how to apply to the Administrative Law Judge for a postponement of the proceeding.

3.3 The Administrative Law Judge timely convened the proceeding as set forth in the written notice of the proceeding. The Washington State Liquor Control Board timely appeared and was represented by the above-named person. The Administrative Law Judge waited 15 minutes beyond the scheduled start time for the proceeding, but the Licensee did not appear. Therefore, the Administrative Law Judge deemed the Licensee to be in default.

3.4 Based on the Licensee's default, the penalty appropriate to the allegations stated in the Statement of Intent to Revoke Liquor License in this matter shall be imposed, subject to further Liquor Control Board action.

3.5 Specifically, the actions and penalty alleged and the penalty to be awarded by this Initial Order of Default are as follows: That between February 16, 2007 and the date of filing the Statement of Intent to Revoke Liquor License, the Licensee violated RCW 66.24.010, 314-07 WAC and 314-12 WAC (failure of Licensee to disclose true owners, true shareholders, and true managers or other real parties in interest, and allowing others than the Licensee to use the license issued by the Leader Control Board to the Licensee). The penalty sought is revocation of the Licensee's Spirits/Beer/Wine Restaurant/Lounge license as above identified. Based on the Licensee's default, revocation of the Licensee's license shall be ordered.

3.5 The Licensee's Request for Hearing shall be dismissed.

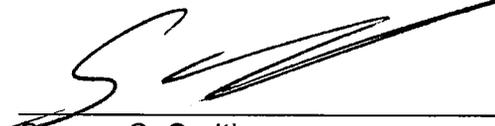
4.0 **THEREFORE, IT IS ORDERED:**

4.1 The above-named Licensee is in DEFAULT.

4.2 The Spirit/Beer/Wine Restaurant/Lounge License (license number 351800) issued to the Licensee by the Washington Liquor Control Board is revoked, effective immediately.

4.3 The Licensee's Request for Hearing is dismissed.

**Signed and Issued** at Tacoma, Washington, January 27, 2011.



Steven C. Smith  
Administrative Law Judge  
Office of Administrative Hearings

**NOTICE OF APPEAL RIGHTS – PLEASE READ CAREFULLY**

**Motion to Vacate Default:** RCW 34.05.440 provides, “(3) Within seven days after service of a default order under subsection (2) of this section, or such longer period as provided by agency rule, the party against whom it was entered may file a written motion with the Administrative Law Judge who issued the Initial Order of Default requesting that the order be vacated, and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings or conduct them without the participation of that party, having due regard for the interests of justice and the orderly and prompt conduct of the proceedings. By agency rule (WAC 10-08-110), service is complete upon mailing of this order; therefore, **any motion to vacate a default order must be made within a total of seven (7) days after the date of the mailing of the default order.**”

**Petition for Review of Initial Order:** The foregoing order is an “initial order” as that term is intended by WAC 314-42-095. **Any party may file a petition for review of the initial order with the Liquor Control Board within twenty days of the date of service of the initial order.** RCW 34.05.464, WAC 10-08-211, and WAC 314-42-095(2)(a). The petition for review must (a) identify the parts of the initial order to which the petitioner objects and (b) refer to the evidence in the record that supports the petitioner’s position.

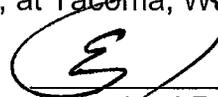
A petitioner must mail a copy of the petition for review to each of the other parties and their representatives at the same time the petitioner files the petition. Within ten days after service of the petition for review, any other parties may file a response to the petition. WAC 314-42-095(2)(b). A responding party must likewise mail a copy of the response to each of the other parties and their representatives at the same time the responding party files the response.

The members of the Liquor Control Board will review the administrative record, the initial order, the petition for review, and any responses. WAC 314-42-095(3). Following this review, the Board will enter a final order WAC 314-42-095(4). Within ten days of when the Board issues the final order, any party may file a petition for reconsideration, stating the specific grounds upon which relief is requested. RCW 34.05.470(1) and WAC 10.08.215. A party may appeal the Liquor Control Board's final order to the Superior Court under RCW 34.05.510 and following (see especially, RCW 34.05.514).

**INITIAL ORDER MAY BECOME FINAL IF NO TIMELY ACTION IS TAKEN: If a party in default does not timely file a Motion to Vacate Default, or a party in disagreement with the Initial Order does not timely file a Petition for Review of Initial Order, the order may become a Final Order.**

### CERTIFICATE OF SERVICE

I certify that true copies of this document were mailed by US First Class Postage prepaid to the following parties, January 27, 2011, at Tacoma, Washington.



Authorized Representative  
Office of Administrative Hearings

PW Venture, Inc.  
d/b/a Lava Nightclub & Inferno  
Restaurant  
930 SE Pioneer Way  
Oak Harbor, WA 98277

Kirk C. Davis  
Attorney at Law  
1001 Fourth Ave., Ste 3200  
Seattle, WA 98154

Gordon Karg  
Office of Attorney General  
PO Box 40100  
Olympia, WA 98504-0100